

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLIFTON LEE,

Plaintiff,

Case No. 20-cv-12480

Hon. Matthew F. Leitman

v.

OBELL WINN, *et al.*,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 41) AND (2) GRANTING
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT (ECF No. 36)**

Plaintiff Clifton Lee is a state prisoner in the custody of the Michigan Department of Corrections (the “MDOC”). On August 20, 2020, Lee filed this *pro se* civil-rights action against several employees of the MDOC. (*See* Compl., ECF No. 1.) The sole remaining Defendant is MDOC officer Jesse Swartz. Lee alleges that Swartz subjected him to a strip search that violated his (Lee’s) Eighth Amendment rights. (*See id.*) On July 20, 2023, Swartz moved for summary judgment. (*See* Mot., ECF No. 36.) The motion was referred to the assigned Magistrate Judge. (*See* Order, ECF No. 26.)

On October 25, 2023, the Magistrate Judge issued a Report and Recommendation in which he recommended granting Swartz’ motion (the “R&R”). (*See* R&R, ECF No. 41.) The Magistrate Judge concluded that Lee had “fail[ed] to

present evidence demonstrating that Swartz’s conduct amount[ed] to” a violation of Lee’s Eighth Amendment rights. (*See id.*, PageID.272.) The Magistrate Judge also concluded that “Swartz [was] entitled to qualified immunity because Lee failed to satisfy the objective component of his Eighth Amendment claim, and thus failed to state a constitutional violation, much less a violation of clearly established law.” (*Id.* at n.3, PageID.274.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.275.)

Lee has not filed any objections to the R&R. Nor has he contacted the Court seeking additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Lee has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Swartz’ motion for summary judgment is **ADOPTED**.

IT IS FURTHER ORDERED that Swartz' motion for summary judgment (ECF No. 36) is **GRANTED**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: November 29, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 29, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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